

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE:

B-220895.2

DATE: January 9, 1986**MATTER OF:**American Biomedical Instrumentation
Co.--Reconsideration**DIGEST:**

GAO will not reopen a protest file closed because the protester failed to file comments within the 7-day comment period as required by our Bid Protest Regulations.

American Biomedical Instrumentation Co. (ABI) requests that we reopen the file on its protest under invitation for bids (IFB) No. 630-17-86 issued by the Veterans Administration.

We affirm the dismissal and we will not reopen the file.

We closed the file on December 11, 1985, because the agency report on the protest was received by our Office on the scheduled due date, November 29, 1985, and ABI had not complied with our Bid Protest Regulations, 4 C.F.R. § 21.3(e) (1985). The Regulations provide that a protester's failure to file comments, a statement requesting that the protest be decided on the existing record, or a request for extension of the period for submitting comments within the 7-day period will result in the dismissal of the protest.

The October 23, 1985, acknowledgment of the protest sent to ABI by our Office gave notice to ABI of the date we expected to receive the contracting agency report. It further advised that unless we heard from the protester, we would assume that it received the report when we received our copy, that the protester should notify this Office promptly if it did not receive the report on the scheduled date, and that under section 21.3(e) of our Bid Protest Regulations, 4 C.F.R. § 21.3(e) (1985), ABI had an obligation within 7 working days after receipt of the report to submit written comments or state that it wanted the protest decided on the existing record. We received no further correspondence from ABI until it filed its request for reconsideration.

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Since we did not receive any comments within the 7-day period, our dismissal is affirmed. See Lion Brothers Company, Inc.--Reconsideration, B-219681.2, Oct. 23, 1985, 85-2 C.P.D. ¶ 447; The Communications Network--Reconsideration, B-218942.2, Aug. 23, 1985, 85-2 C.P.D. ¶ 219.

for *Samuel E. Fox*
Harry R. Van Cleve
General Counsel